



Sen. Julie A. Morrison

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LRB098 10154 MLW 44002 a

1 AMENDMENT TO SENATE BILL 1477

2 AMENDMENT NO. _____. Amend Senate Bill 1477 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-206 as follows:

6 (625 ILCS 5/6-206)

7 Sec. 6-206. Discretionary authority to suspend or revoke
8 license or permit; Right to a hearing.

9 (a) The Secretary of State is authorized to suspend or
10 revoke the driving privileges of any person without preliminary
11 hearing upon a showing of the person's records or other
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required upon
15 conviction;

16 2. Has been convicted of not less than 3 offenses

1 against traffic regulations governing the movement of
2 vehicles committed within any 12 month period. No
3 revocation or suspension shall be entered more than 6
4 months after the date of last conviction;

5 3. Has been repeatedly involved as a driver in motor
6 vehicle collisions or has been repeatedly convicted of
7 offenses against laws and ordinances regulating the
8 movement of traffic, to a degree that indicates lack of
9 ability to exercise ordinary and reasonable care in the
10 safe operation of a motor vehicle or disrespect for the
11 traffic laws and the safety of other persons upon the
12 highway;

13 4. Has by the unlawful operation of a motor vehicle
14 caused or contributed to an accident resulting in injury
15 requiring immediate professional treatment in a medical
16 facility or doctor's office to any person, except that any
17 suspension or revocation imposed by the Secretary of State
18 under the provisions of this subsection shall start no
19 later than 6 months after being convicted of violating a
20 law or ordinance regulating the movement of traffic, which
21 violation is related to the accident, or shall start not
22 more than one year after the date of the accident,
23 whichever date occurs later;

24 5. Has permitted an unlawful or fraudulent use of a
25 driver's license, identification card, or permit;

26 6. Has been lawfully convicted of an offense or

1 offenses in another state, including the authorization
2 contained in Section 6-203.1, which if committed within
3 this State would be grounds for suspension or revocation;

4 7. Has refused or failed to submit to an examination
5 provided for by Section 6-207 or has failed to pass the
6 examination;

7 8. Is ineligible for a driver's license or permit under
8 the provisions of Section 6-103;

9 9. Has made a false statement or knowingly concealed a
10 material fact or has used false information or
11 identification in any application for a license,
12 identification card, or permit;

13 10. Has possessed, displayed, or attempted to
14 fraudulently use any license, identification card, or
15 permit not issued to the person;

16 11. Has operated a motor vehicle upon a highway of this
17 State when the person's driving privilege or privilege to
18 obtain a driver's license or permit was revoked or
19 suspended unless the operation was authorized by a
20 monitoring device driving permit, judicial driving permit
21 issued prior to January 1, 2009, probationary license to
22 drive, or a restricted driving permit issued under this
23 Code;

24 12. Has submitted to any portion of the application
25 process for another person or has obtained the services of
26 another person to submit to any portion of the application

1 process for the purpose of obtaining a license,
2 identification card, or permit for some other person;

3 13. Has operated a motor vehicle upon a highway of this
4 State when the person's driver's license or permit was
5 invalid under the provisions of Sections 6-107.1 and 6-110;

6 14. Has committed a violation of Section 6-301,
7 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
8 of the Illinois Identification Card Act;

9 15. Has been convicted of violating Section 21-2 of the
10 Criminal Code of 1961 or the Criminal Code of 2012 relating
11 to criminal trespass to vehicles in which case, the
12 suspension shall be for one year;

13 16. Has been convicted of violating Section 11-204 of
14 this Code relating to fleeing from a peace officer;

15 17. Has refused to submit to a test, or tests, as
16 required under Section 11-501.1 of this Code and the person
17 has not sought a hearing as provided for in Section
18 11-501.1;

19 18. Has, since issuance of a driver's license or
20 permit, been adjudged to be afflicted with or suffering
21 from any mental disability or disease;

22 19. Has committed a violation of paragraph (a) or (b)
23 of Section 6-101 relating to driving without a driver's
24 license;

25 20. Has been convicted of violating Section 6-104
26 relating to classification of driver's license;

1 21. Has been convicted of violating Section 11-402 of
2 this Code relating to leaving the scene of an accident
3 resulting in damage to a vehicle in excess of \$1,000, in
4 which case the suspension shall be for one year;

5 22. Has used a motor vehicle in violating paragraph
6 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
7 the Criminal Code of 1961 or the Criminal Code of 2012
8 relating to unlawful use of weapons, in which case the
9 suspension shall be for one year;

10 23. Has, as a driver, been convicted of committing a
11 violation of paragraph (a) of Section 11-502 of this Code
12 for a second or subsequent time within one year of a
13 similar violation;

14 24. Has been convicted by a court-martial or punished
15 by non-judicial punishment by military authorities of the
16 United States at a military installation in Illinois of or
17 for a traffic related offense that is the same as or
18 similar to an offense specified under Section 6-205 or
19 6-206 of this Code;

20 25. Has permitted any form of identification to be used
21 by another in the application process in order to obtain or
22 attempt to obtain a license, identification card, or
23 permit;

24 26. Has altered or attempted to alter a license or has
25 possessed an altered license, identification card, or
26 permit;

1 27. Has violated Section 6-16 of the Liquor Control Act
2 of 1934;

3 28. Has been convicted for a first time of the illegal
4 possession, while operating or in actual physical control,
5 as a driver, of a motor vehicle, of any controlled
6 substance prohibited under the Illinois Controlled
7 Substances Act, any cannabis prohibited under the Cannabis
8 Control Act, or any methamphetamine prohibited under the
9 Methamphetamine Control and Community Protection Act, in
10 which case the person's driving privileges shall be
11 suspended for one year. Any defendant found guilty of this
12 offense while operating a motor vehicle, shall have an
13 entry made in the court record by the presiding judge that
14 this offense did occur while the defendant was operating a
15 motor vehicle and order the clerk of the court to report
16 the violation to the Secretary of State;

17 29. Has been convicted of the following offenses that
18 were committed while the person was operating or in actual
19 physical control, as a driver, of a motor vehicle: criminal
20 sexual assault, predatory criminal sexual assault of a
21 child, aggravated criminal sexual assault, criminal sexual
22 abuse, aggravated criminal sexual abuse, juvenile pimping,
23 soliciting for a juvenile prostitute, promoting juvenile
24 prostitution as described in subdivision (a) (1), (a) (2),
25 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961
26 or the Criminal Code of 2012, and the manufacture, sale or

1 delivery of controlled substances or instruments used for
2 illegal drug use or abuse in which case the driver's
3 driving privileges shall be suspended for one year;

4 30. Has been convicted a second or subsequent time for
5 any combination of the offenses named in paragraph 29 of
6 this subsection, in which case the person's driving
7 privileges shall be suspended for 5 years;

8 31. Has refused to submit to a test as required by
9 Section 11-501.6 or has submitted to a test resulting in an
10 alcohol concentration of 0.08 or more or any amount of a
11 drug, substance, or compound resulting from the unlawful
12 use or consumption of cannabis as listed in the Cannabis
13 Control Act, a controlled substance as listed in the
14 Illinois Controlled Substances Act, an intoxicating
15 compound as listed in the Use of Intoxicating Compounds
16 Act, or methamphetamine as listed in the Methamphetamine
17 Control and Community Protection Act, in which case the
18 penalty shall be as prescribed in Section 6-208.1;

19 32. Has been convicted of Section 24-1.2 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 relating
21 to the aggravated discharge of a firearm if the offender
22 was located in a motor vehicle at the time the firearm was
23 discharged, in which case the suspension shall be for 3
24 years;

25 33. Has as a driver, who was less than 21 years of age
26 on the date of the offense, been convicted a first time of

1 a violation of paragraph (a) of Section 11-502 of this Code
2 or a similar provision of a local ordinance;

3 34. Has committed a violation of Section 11-1301.5 of
4 this Code or a similar provision of a local ordinance;

5 35. Has committed a violation of Section 11-1301.6 of
6 this Code or a similar provision of a local ordinance;

7 36. Is under the age of 21 years at the time of arrest
8 and has been convicted of not less than 2 offenses against
9 traffic regulations governing the movement of vehicles
10 committed within any 24 month period. No revocation or
11 suspension shall be entered more than 6 months after the
12 date of last conviction;

13 37. Has committed a violation of subsection (c) of
14 Section 11-907 of this Code that resulted in damage to the
15 property of another or the death or injury of another;

16 38. Has been convicted of a violation of Section 6-20
17 of the Liquor Control Act of 1934 or a similar provision of
18 a local ordinance;

19 39. Has committed a second or subsequent violation of
20 Section 11-1201 of this Code;

21 40. Has committed a violation of subsection (a-1) of
22 Section 11-908 of this Code;

23 41. Has committed a second or subsequent violation of
24 Section 11-605.1 of this Code, a similar provision of a
25 local ordinance, or a similar violation in any other state
26 within 2 years of the date of the previous violation, in

1 which case the suspension shall be for 90 days;

2 42. Has committed a violation of subsection (a-1) of
3 Section 11-1301.3 of this Code or a similar provision of a
4 local ordinance;

5 43. Has received a disposition of court supervision for
6 a violation of subsection (a), (d), or (e) of Section 6-20
7 of the Liquor Control Act of 1934 or a similar provision of
8 a local ordinance, in which case the suspension shall be
9 for a period of 3 months;

10 44. Is under the age of 21 years at the time of arrest
11 and has been convicted of an offense against traffic
12 regulations governing the movement of vehicles after
13 having previously had his or her driving privileges
14 suspended or revoked pursuant to subparagraph 36 of this
15 Section;

16 45. Has, in connection with or during the course of a
17 formal hearing conducted under Section 2-118 of this Code:
18 (i) committed perjury; (ii) submitted fraudulent or
19 falsified documents; (iii) submitted documents that have
20 been materially altered; or (iv) submitted, as his or her
21 own, documents that were in fact prepared or composed for
22 another person; ~~or~~

23 46. Has committed a violation of subsection (j) of
24 Section 3-413 of this Code; or-

25 47. Has been convicted of a second or subsequent
26 violation of Section 5-16 of the Boat Registration and

1 Safety Act, a similar provision of a local ordinance, or
2 Title 46 of the U.S. Code of Federal Regulations, in which
3 case the suspension shall be for a period of three months.

4 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
5 and 27 of this subsection, license means any driver's license,
6 any traffic ticket issued when the person's driver's license is
7 deposited in lieu of bail, a suspension notice issued by the
8 Secretary of State, a duplicate or corrected driver's license,
9 a probationary driver's license or a temporary driver's
10 license.

11 (b) If any conviction forming the basis of a suspension or
12 revocation authorized under this Section is appealed, the
13 Secretary of State may rescind or withhold the entry of the
14 order of suspension or revocation, as the case may be, provided
15 that a certified copy of a stay order of a court is filed with
16 the Secretary of State. If the conviction is affirmed on
17 appeal, the date of the conviction shall relate back to the
18 time the original judgment of conviction was entered and the 6
19 month limitation prescribed shall not apply.

20 (c) 1. Upon suspending or revoking the driver's license or
21 permit of any person as authorized in this Section, the
22 Secretary of State shall immediately notify the person in
23 writing of the revocation or suspension. The notice to be
24 deposited in the United States mail, postage prepaid, to the
25 last known address of the person.

26 2. If the Secretary of State suspends the driver's

1 license of a person under subsection 2 of paragraph (a) of
2 this Section, a person's privilege to operate a vehicle as
3 an occupation shall not be suspended, provided an affidavit
4 is properly completed, the appropriate fee received, and a
5 permit issued prior to the effective date of the
6 suspension, unless 5 offenses were committed, at least 2 of
7 which occurred while operating a commercial vehicle in
8 connection with the driver's regular occupation. All other
9 driving privileges shall be suspended by the Secretary of
10 State. Any driver prior to operating a vehicle for
11 occupational purposes only must submit the affidavit on
12 forms to be provided by the Secretary of State setting
13 forth the facts of the person's occupation. The affidavit
14 shall also state the number of offenses committed while
15 operating a vehicle in connection with the driver's regular
16 occupation. The affidavit shall be accompanied by the
17 driver's license. Upon receipt of a properly completed
18 affidavit, the Secretary of State shall issue the driver a
19 permit to operate a vehicle in connection with the driver's
20 regular occupation only. Unless the permit is issued by the
21 Secretary of State prior to the date of suspension, the
22 privilege to drive any motor vehicle shall be suspended as
23 set forth in the notice that was mailed under this Section.
24 If an affidavit is received subsequent to the effective
25 date of this suspension, a permit may be issued for the
26 remainder of the suspension period.

1 The provisions of this subparagraph shall not apply to
2 any driver required to possess a CDL for the purpose of
3 operating a commercial motor vehicle.

4 Any person who falsely states any fact in the affidavit
5 required herein shall be guilty of perjury under Section
6 6-302 and upon conviction thereof shall have all driving
7 privileges revoked without further rights.

8 3. At the conclusion of a hearing under Section 2-118
9 of this Code, the Secretary of State shall either rescind
10 or continue an order of revocation or shall substitute an
11 order of suspension; or, good cause appearing therefor,
12 rescind, continue, change, or extend the order of
13 suspension. If the Secretary of State does not rescind the
14 order, the Secretary may upon application, to relieve undue
15 hardship (as defined by the rules of the Secretary of
16 State), issue a restricted driving permit granting the
17 privilege of driving a motor vehicle between the
18 petitioner's residence and petitioner's place of
19 employment or within the scope of the petitioner's
20 employment related duties, or to allow the petitioner to
21 transport himself or herself, or a family member of the
22 petitioner's household to a medical facility, to receive
23 necessary medical care, to allow the petitioner to
24 transport himself or herself to and from alcohol or drug
25 remedial or rehabilitative activity recommended by a
26 licensed service provider, or to allow the petitioner to

1 transport himself or herself or a family member of the
2 petitioner's household to classes, as a student, at an
3 accredited educational institution, or to allow the
4 petitioner to transport children, elderly persons, or
5 disabled persons who do not hold driving privileges and are
6 living in the petitioner's household to and from daycare.
7 The petitioner must demonstrate that no alternative means
8 of transportation is reasonably available and that the
9 petitioner will not endanger the public safety or welfare.
10 Those multiple offenders identified in subdivision (b)4 of
11 Section 6-208 of this Code, however, shall not be eligible
12 for the issuance of a restricted driving permit.

13 (A) If a person's license or permit is revoked or
14 suspended due to 2 or more convictions of violating
15 Section 11-501 of this Code or a similar provision of a
16 local ordinance or a similar out-of-state offense, or
17 Section 9-3 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, where the use of alcohol or
19 other drugs is recited as an element of the offense, or
20 a similar out-of-state offense, or a combination of
21 these offenses, arising out of separate occurrences,
22 that person, if issued a restricted driving permit, may
23 not operate a vehicle unless it has been equipped with
24 an ignition interlock device as defined in Section
25 1-129.1.

26 (B) If a person's license or permit is revoked or

1 suspended 2 or more times within a 10 year period due
2 to any combination of:

3 (i) a single conviction of violating Section
4 11-501 of this Code or a similar provision of a
5 local ordinance or a similar out-of-state offense
6 or Section 9-3 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, where the use of alcohol or
8 other drugs is recited as an element of the
9 offense, or a similar out-of-state offense; or

10 (ii) a statutory summary suspension or
11 revocation under Section 11-501.1; or

12 (iii) a suspension under Section 6-203.1;
13 arising out of separate occurrences; that person, if
14 issued a restricted driving permit, may not operate a
15 vehicle unless it has been equipped with an ignition
16 interlock device as defined in Section 1-129.1.

17 (C) The person issued a permit conditioned upon the
18 use of an ignition interlock device must pay to the
19 Secretary of State DUI Administration Fund an amount
20 not to exceed \$30 per month. The Secretary shall
21 establish by rule the amount and the procedures, terms,
22 and conditions relating to these fees.

23 (D) If the restricted driving permit is issued for
24 employment purposes, then the prohibition against
25 operating a motor vehicle that is not equipped with an
26 ignition interlock device does not apply to the

1 operation of an occupational vehicle owned or leased by
2 that person's employer when used solely for employment
3 purposes.

4 (E) In each case the Secretary may issue a
5 restricted driving permit for a period deemed
6 appropriate, except that all permits shall expire
7 within one year from the date of issuance. The
8 Secretary may not, however, issue a restricted driving
9 permit to any person whose current revocation is the
10 result of a second or subsequent conviction for a
11 violation of Section 11-501 of this Code or a similar
12 provision of a local ordinance or any similar
13 out-of-state offense, or Section 9-3 of the Criminal
14 Code of 1961 or the Criminal Code of 2012, where the
15 use of alcohol or other drugs is recited as an element
16 of the offense, or any similar out-of-state offense, or
17 any combination of those offenses, until the
18 expiration of at least one year from the date of the
19 revocation. A restricted driving permit issued under
20 this Section shall be subject to cancellation,
21 revocation, and suspension by the Secretary of State in
22 like manner and for like cause as a driver's license
23 issued under this Code may be cancelled, revoked, or
24 suspended; except that a conviction upon one or more
25 offenses against laws or ordinances regulating the
26 movement of traffic shall be deemed sufficient cause

1 for the revocation, suspension, or cancellation of a
2 restricted driving permit. The Secretary of State may,
3 as a condition to the issuance of a restricted driving
4 permit, require the applicant to participate in a
5 designated driver remedial or rehabilitative program.
6 The Secretary of State is authorized to cancel a
7 restricted driving permit if the permit holder does not
8 successfully complete the program.

9 (c-3) In the case of a suspension under paragraph 43 of
10 subsection (a), reports received by the Secretary of State
11 under this Section shall, except during the actual time the
12 suspension is in effect, be privileged information and for use
13 only by the courts, police officers, prosecuting authorities,
14 the driver licensing administrator of any other state, the
15 Secretary of State, or the parent or legal guardian of a driver
16 under the age of 18. However, beginning January 1, 2008, if the
17 person is a CDL holder, the suspension shall also be made
18 available to the driver licensing administrator of any other
19 state, the U.S. Department of Transportation, and the affected
20 driver or motor carrier or prospective motor carrier upon
21 request.

22 (c-4) In the case of a suspension under paragraph 43 of
23 subsection (a), the Secretary of State shall notify the person
24 by mail that his or her driving privileges and driver's license
25 will be suspended one month after the date of the mailing of
26 the notice.

1 (c-5) The Secretary of State may, as a condition of the
2 reissuance of a driver's license or permit to an applicant
3 whose driver's license or permit has been suspended before he
4 or she reached the age of 21 years pursuant to any of the
5 provisions of this Section, require the applicant to
6 participate in a driver remedial education course and be
7 retested under Section 6-109 of this Code.

8 (d) This Section is subject to the provisions of the
9 Drivers License Compact.

10 (e) The Secretary of State shall not issue a restricted
11 driving permit to a person under the age of 16 years whose
12 driving privileges have been suspended or revoked under any
13 provisions of this Code.

14 (f) In accordance with 49 C.F.R. 384, the Secretary of
15 State may not issue a restricted driving permit for the
16 operation of a commercial motor vehicle to a person holding a
17 CDL whose driving privileges have been suspended, revoked,
18 cancelled, or disqualified under any provisions of this Code.

19 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
20 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
21 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,
22 eff. 8-12-11; 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844,
23 eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

24 Section 10. The Boat Registration and Safety Act is amended
25 by changing Section 5-16 as follows:

1 (625 ILCS 45/5-16)

2 Sec. 5-16. Operating a watercraft under the influence of
3 alcohol, other drug or drugs, intoxicating compound or
4 compounds, or combination thereof.

5 (A) 1. A person shall not operate or be in actual physical
6 control of any watercraft within this State while:

7 (a) The alcohol concentration in such person's
8 blood or breath is a concentration at which driving a
9 motor vehicle is prohibited under subdivision (1) of
10 subsection (a) of Section 11-501 of the Illinois
11 Vehicle Code;

12 (b) Under the influence of alcohol;

13 (c) Under the influence of any other drug or
14 combination of drugs to a degree which renders such
15 person incapable of safely operating any watercraft;

16 (c-1) Under the influence of any intoxicating
17 compound or combination of intoxicating compounds to a
18 degree that renders the person incapable of safely
19 operating any watercraft;

20 (d) Under the combined influence of alcohol and any
21 other drug or drugs to a degree which renders such
22 person incapable of safely operating a watercraft; or

23 (e) There is any amount of a drug, substance, or
24 compound in the person's blood or urine resulting from
25 the unlawful use or consumption of cannabis listed in

1 the Cannabis Control Act, a controlled substance
2 listed in the Illinois Controlled Substances Act, or an
3 intoxicating compound listed in the Use of
4 Intoxicating Compounds Act.

5 2. The fact that any person charged with violating this
6 Section is or has been legally entitled to use alcohol,
7 other drug or drugs, any intoxicating compound or
8 compounds, or any combination of them, shall not constitute
9 a defense against any charge of violating this Section.

10 3. Every person convicted of violating this Section
11 shall be guilty of a Class A misdemeanor, except as
12 otherwise provided in this Section.

13 4. Every person convicted of violating this Section
14 shall be guilty of a Class 4 felony if:

15 (a) He has a previous conviction under this
16 Section;

17 (b) The offense results in personal injury where a
18 person other than the operator suffers great bodily
19 harm or permanent disability or disfigurement, when
20 the violation was a proximate cause of the injuries. A
21 person guilty of a Class 4 felony under this
22 subparagraph (b), if sentenced to a term of
23 imprisonment, shall be sentenced to a term of not less
24 than one year nor more than 12 years; or

25 (c) The offense occurred during a period in which
26 his or her privileges to operate a watercraft are

1 revoked or suspended, and the revocation or suspension
2 was for a violation of this Section or was imposed
3 under subsection (B).

4 5. Every person convicted of violating this Section
5 shall be guilty of a Class 2 felony if the offense results
6 in the death of a person. A person guilty of a Class 2
7 felony under this paragraph 5, if sentenced to a term of
8 imprisonment, shall be sentenced to a term of not less than
9 3 years and not more than 14 years.

10 5.1. A person convicted of violating this Section or a
11 similar provision of a local ordinance who had a child
12 under the age of 16 aboard the watercraft at the time of
13 offense is subject to a mandatory minimum fine of \$500 and
14 to a mandatory minimum of 5 days of community service in a
15 program benefiting children. The assignment under this
16 paragraph 5.1 is not subject to suspension and the person
17 is not eligible for probation in order to reduce the
18 assignment.

19 5.2. A person found guilty of violating this Section,
20 if his or her operation of a watercraft while in violation
21 of this Section proximately caused any incident resulting
22 in an appropriate emergency response, is liable for the
23 expense of an emergency response as provided in subsection
24 (m) of Section 11-501 of the Illinois Vehicle Code.

25 5.3. In addition to any other penalties and
26 liabilities, a person who is found guilty of violating this

1 Section, including any person placed on court supervision,
2 shall be fined \$100, payable to the circuit clerk, who
3 shall distribute the money to the law enforcement agency
4 that made the arrest. In the event that more than one
5 agency is responsible for the arrest, the \$100 shall be
6 shared equally. Any moneys received by a law enforcement
7 agency under this paragraph 5.3 shall be used to purchase
8 law enforcement equipment or to provide law enforcement
9 training that will assist in the prevention of alcohol
10 related criminal violence throughout the State. Law
11 enforcement equipment shall include, but is not limited to,
12 in-car video cameras, radar and laser speed detection
13 devices, and alcohol breath testers.

14 6. (a) In addition to any criminal penalties imposed,
15 the Department of Natural Resources shall suspend the
16 watercraft operation privileges of any person
17 convicted or found guilty of a misdemeanor under this
18 Section, a similar provision of a local ordinance, or
19 Title 46 of the U.S. Code of Federal Regulations for a
20 period of one year, except that a first time offender
21 is exempt from this mandatory one year suspension.

22 As used in this subdivision (A)6(a), "first time
23 offender" means any person who has not had a previous
24 conviction or been assigned supervision for violating
25 this Section, a similar provision of a local ordinance
26 or, Title 46 of the U.S. Code of Federal Regulations,

1 or any person who has not had a suspension imposed
2 under subdivision (B)3.1 of Section 5-16.

3 (b) In addition to any criminal penalties imposed,
4 the Department of Natural Resources shall suspend the
5 watercraft operation privileges of any person
6 convicted of a felony under this Section, a similar
7 provision of a local ordinance, or Title 46 of the U.S.
8 Code of Federal Regulations for a period of 3 years.

9 (c) In addition to any criminal penalties imposed,
10 the Secretary of State shall suspend the driver's
11 license of any person convicted of a misdemeanor or
12 felony under this Section, a similar provision of a
13 local ordinance, or Title 46 of the U.S. Code of
14 Federal Regulations for a period of 3 months, except
15 that a first time offender is exempt from this
16 mandatory 3 month suspension.

17 (B) 1. Any person who operates or is in actual physical
18 control of any watercraft upon the waters of this State
19 shall be deemed to have given consent to a chemical test or
20 tests of blood, breath or urine for the purpose of
21 determining the content of alcohol, other drug or drugs,
22 intoxicating compound or compounds, or combination thereof
23 in the person's blood if arrested for any offense of
24 subsection (A) above. The chemical test or tests shall be
25 administered at the direction of the arresting officer. The
26 law enforcement agency employing the officer shall

1 designate which of the tests shall be administered. A urine
2 test may be administered even after a blood or breath test
3 or both has been administered.

4 1.1. For the purposes of this Section, an Illinois Law
5 Enforcement officer of this State who is investigating the
6 person for any offense defined in Section 5-16 may travel
7 into an adjoining state, where the person has been
8 transported for medical care to complete an investigation,
9 and may request that the person submit to the test or tests
10 set forth in this Section. The requirements of this Section
11 that the person be arrested are inapplicable, but the
12 officer shall issue the person a uniform citation for an
13 offense as defined in Section 5-16 or a similar provision
14 of a local ordinance prior to requesting that the person
15 submit to the test or tests. The issuance of the uniform
16 citation shall not constitute an arrest, but shall be for
17 the purpose of notifying the person that he or she is
18 subject to the provisions of this Section and of the
19 officer's belief in the existence of probable cause to
20 arrest. Upon returning to this State, the officer shall
21 file the uniform citation with the circuit clerk of the
22 county where the offense was committed and shall seek the
23 issuance of an arrest warrant or a summons for the person.

24 1.2. Notwithstanding any ability to refuse under this
25 Act to submit to these tests or any ability to revoke the
26 implied consent to these tests, if a law enforcement

1 officer has probable cause to believe that a watercraft
2 operated by or under actual physical control of a person
3 under the influence of alcohol, other drug or drugs,
4 intoxicating compound or compounds, or any combination of
5 them has caused the death of or personal injury to another,
6 that person shall submit, upon the request of a law
7 enforcement officer, to a chemical test or tests of his or
8 her blood, breath, or urine for the purpose of determining
9 the alcohol content or the presence of any other drug,
10 intoxicating compound, or combination of them. For the
11 purposes of this Section, a personal injury includes severe
12 bleeding wounds, distorted extremities, and injuries that
13 require the injured party to be carried from the scene for
14 immediate professional attention in either a doctor's
15 office or a medical facility.

16 2. Any person who is dead, unconscious or who is
17 otherwise in a condition rendering such person incapable of
18 refusal, shall be deemed not to have withdrawn the consent
19 provided above, and the test may be administered.

20 3. A person requested to submit to a chemical test as
21 provided above shall be verbally advised by the law
22 enforcement officer requesting the test that a refusal to
23 submit to the test will result in suspension of such
24 person's privilege to operate a watercraft for a minimum of
25 2 years. Following this warning, if a person under arrest
26 refuses upon the request of a law enforcement officer to

1 submit to a test designated by the officer, no test shall
2 be given, but the law enforcement officer shall file with
3 the clerk of the circuit court for the county in which the
4 arrest was made, and with the Department of Natural
5 Resources, a sworn statement naming the person refusing to
6 take and complete the chemical test or tests requested
7 under the provisions of this Section. Such sworn statement
8 shall identify the arrested person, such person's current
9 residence address and shall specify that a refusal by such
10 person to take the chemical test or tests was made. Such
11 sworn statement shall include a statement that the
12 arresting officer had reasonable cause to believe the
13 person was operating or was in actual physical control of
14 the watercraft within this State while under the influence
15 of alcohol, other drug or drugs, intoxicating compound or
16 compounds, or combination thereof and that such chemical
17 test or tests were made as an incident to and following the
18 lawful arrest for an offense as defined in this Section or
19 a similar provision of a local ordinance, and that the
20 person after being arrested for an offense arising out of
21 acts alleged to have been committed while so operating a
22 watercraft refused to submit to and complete a chemical
23 test or tests as requested by the law enforcement officer.

24 3.1. The law enforcement officer submitting the sworn
25 statement as provided in paragraph 3 of this subsection (B)
26 shall serve immediate written notice upon the person

1 refusing the chemical test or tests that the person's
2 privilege to operate a watercraft within this State will be
3 suspended for a period of 2 years unless, within 28 days
4 from the date of the notice, the person requests in writing
5 a hearing on the suspension.

6 If the person desires a hearing, such person shall file
7 a complaint in the circuit court for and in the county in
8 which such person was arrested for such hearing. Such
9 hearing shall proceed in the court in the same manner as
10 other civil proceedings, shall cover only the issues of
11 whether the person was placed under arrest for an offense
12 as defined in this Section or a similar provision of a
13 local ordinance as evidenced by the issuance of a uniform
14 citation; whether the arresting officer had reasonable
15 grounds to believe that such person was operating a
16 watercraft while under the influence of alcohol, other drug
17 or drugs, intoxicating compound or compounds, or
18 combination thereof; and whether such person refused to
19 submit and complete the chemical test or tests upon the
20 request of the law enforcement officer. Whether the person
21 was informed that such person's privilege to operate a
22 watercraft would be suspended if such person refused to
23 submit to the chemical test or tests shall not be an issue.

24 If the person fails to request in writing a hearing
25 within 28 days from the date of notice, or if a hearing is
26 held and the court finds against the person on the issues

1 before the court, the clerk shall immediately notify the
2 Department of Natural Resources, and the Department shall
3 suspend the watercraft operation privileges of the person
4 for at least 2 years.

5 3.2. If the person submits to a test that discloses an
6 alcohol concentration of 0.08 or more, or any amount of a
7 drug, substance or intoxicating compound in the person's
8 breath, blood, or urine resulting from the unlawful use of
9 cannabis listed in the Cannabis Control Act, a controlled
10 substance listed in the Illinois Controlled Substances
11 Act, or an intoxicating compound listed in the Use of
12 Intoxicating Compounds Act, the law enforcement officer
13 shall immediately submit a sworn report to the circuit
14 clerk of venue and the Department of Natural Resources,
15 certifying that the test or tests were requested under
16 paragraph 1 of this subsection (B) and the person submitted
17 to testing that disclosed an alcohol concentration of 0.08
18 or more.

19 In cases where the blood alcohol concentration of 0.08
20 or greater or any amount of drug, substance or compound
21 resulting from the unlawful use of cannabis, a controlled
22 substance or an intoxicating compound is established by a
23 subsequent analysis of blood or urine collected at the time
24 of arrest, the arresting officer or arresting agency shall
25 immediately submit a sworn report to the circuit clerk of
26 venue and the Department of Natural Resources upon receipt

1 of the test results.

2 4. A person must submit to each chemical test offered
3 by the law enforcement officer in order to comply with the
4 implied consent provisions of this Section.

5 5. The provisions of Section 11-501.2 of the Illinois
6 Vehicle Code, as amended, concerning the certification and
7 use of chemical tests apply to the use of such tests under
8 this Section.

9 (C) Upon the trial of any civil or criminal action or
10 proceeding arising out of acts alleged to have been committed
11 by any person while operating a watercraft while under the
12 influence of alcohol, the concentration of alcohol in the
13 person's blood or breath at the time alleged as shown by
14 analysis of a person's blood, urine, breath, or other bodily
15 substance shall give rise to the presumptions specified in
16 subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2
17 of the Illinois Vehicle Code. The foregoing provisions of this
18 subsection (C) shall not be construed as limiting the
19 introduction of any other relevant evidence bearing upon the
20 question whether the person was under the influence of alcohol.

21 (D) If a person under arrest refuses to submit to a
22 chemical test under the provisions of this Section, evidence of
23 refusal shall be admissible in any civil or criminal action or
24 proceeding arising out of acts alleged to have been committed
25 while the person under the influence of alcohol, other drug or
26 drugs, intoxicating compound or compounds, or combination of

1 them was operating a watercraft.

2 (E) The owner of any watercraft or any person given
3 supervisory authority over a watercraft, may not knowingly
4 permit a watercraft to be operated by any person under the
5 influence of alcohol, other drug or drugs, intoxicating
6 compound or compounds, or combination thereof.

7 (F) Whenever any person is convicted or found guilty of a
8 violation of this Section, including any person placed on court
9 supervision, the court shall notify the Office of Law
10 Enforcement of the Department of Natural Resources, to provide
11 the Department with the records essential for the performance
12 of the Department's duties to monitor and enforce any order of
13 suspension or revocation concerning the privilege to operate a
14 watercraft.

15 The clerk of the court shall report a conviction or
16 disposition of court supervision for a violation of this
17 Section, a similar provision of a local ordinance, or a
18 violation of Title 46 of the U.S. Code of Federal Regulation to
19 the Secretary of State, in the manner and form prescribed by
20 the Secretary.

21 (G) No person who has been arrested and charged for
22 violating paragraph 1 of subsection (A) of this Section shall
23 operate any watercraft within this State for a period of 24
24 hours after such arrest.

25 (Source: P.A. 94-214, eff. 1-1-06; 95-149, eff. 8-14-07.)".